



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/797,142

03/11/2004

Kunihiro Iwatsuki

250236US2

6150

22850

7590

06/19/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

JOHNSON, VICKY A

ART UNIT

PAPER NUMBER

3682

NOTIFICATION DATE

DELIVERY MODE

06/19/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com



## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 20, 2008 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-24 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 20 are indefinite because it is unclear how to interpret the limitation "...in case the slip between said transmission members is not detected in spite of lowering said pressure by a preset value said pressure lowering means, when the prerequisite condition is not satisfied during lowering the pressure." It is unclear if the pressure setting means functions is only when the condition is not satisfied.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-24 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Miki et al (US 2002/0165064).

Miki et al disclose a decision means (12) for deciding whether or not a predetermined prerequisite condition for lowering the pressure is satisfied (§ 91-§ 93 ), a pressure lowering means (93) for lowering said pressure by a preset value when the decision means decides that the prerequisite condition is satisfied (§ 91 - § 118); and pressure setting means (92) for setting said pressure to a value obtained by adding a pressure corresponding to the road surface input to a lowered minimum value of said pressure (§ 143), in case the slip between said transmission members is not detected in spite of lowering said pressure by a preset value said pressure lowering means (§ 4).

***Response to Arguments***

Some further comments regarding the applicant's remarks are deemed appropriate.

The applicant argues that Miki et al reference fails to meet the limitations of the claims because it fails to disclose the claim limitations of the pressure lowering means

and the pressure setting means. The Examiner disagrees. The claimed subject matter is clearly described.

It is also argued that the Miki et al reference fails to meet the limitations of claims 2 and 3. The Examiner disagrees. Regarding claim 2, see ¶¶91 - ¶¶104. Regarding claim 3, see ¶95.

The applicant's remarks have been accorded due consideration, however, they are not deemed fully persuasive.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vicky A. Johnson/  
Primary Examiner, Art Unit 3682